

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KATIE LEANN WAGNER,

Defendant.

CR-14-96-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 30, 2021. (Doc. 1030.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 29, 2021. (Doc. 1029.) The United States accused Wagner of violating her conditions of supervised release 1) by using methamphetamine on four separate occasions; 2) by failing to report for substance abuse treatment; and 3) by failing to report to her probation officer as directed on two separate occasions. (Doc. 1025.)

At the revocation hearing, Wagner admitted to violating the conditions of her supervised release 1) by using methamphetamine on four separate occasions; 2) by failing to report for substance abuse treatment; and 3) by failing to report to her probation officer as directed on two separate occasions. (Doc. 1029.) Judge Johnston found that the violations Wagner admitted proved to be serious and warranted revocation, and recommended that Wagner receive a custodial sentence of 3 months with 44 months of supervised release to follow. (Doc. 1039.) Wagner was advised of her right to appeal and her right to allocute before the undersigned. (Doc. 1029.) The violations prove serious and warrant revocation of Wagner's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc.1030) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Katie Leann Wagner be sentenced to the custody of the United States Bureau of Prisons for 3 months, with 44 months of supervised release to follow.

DATED this 18th day of May, 2021.



Brian Morris, Chief District Judge
United States District Court